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DESCRIPTORS- *VOCATIONAL EDUCATION, VOCATIONAL RETRAINING, *FEDERAL LAWS, *FEDERAL PROGRAMS, *FEDERAL STATE RELATIONSHIP, PUBLIC SCHOOLS, *FEDERAL AID, EDUCATIONAL OPPORTUNITIES, FINANCIAL SUPPORT, VOCATIONAL EDUCATION ACT OF 1963, NATIONAL DEFENSE EDUCATION ACT OF 1958,

THE MAJOR PURPOSES OF THE LAW WERE TO STRENGTHEN AND IMPROVE THE QUALITY OF VOCATIONAL EDUCATION AND TO EXPAND THE VOCATIONAL EDUCATION OPPORTUNITIES IN THE NATION THROUGH THE VOCATIONAL EDUCATION ACT OF 1963, AND TO EXTEND FOR 3 YEARS THE NATIONAL DEFENSE EDUCATION ACT OF 1958 AND PUBLIC LAWS 815 AND 874. IT AUTHORIZED INCREASED FEDERAL GRANTS TO THE STATES TO ASSIST THEM TO MAINTAIN, EXTEND, AND IMPROVE EXISTING PROGRAMS OF VOCATIONAL EDUCATION, TO DEVELOP NEW PROGRAMS, AND TO PROVIDE PART-TIME EMPLOYMENT FOR YOUTH OF ALL AGES AND IN ALL COMMUNITIES WHO NEED THE EARNINGS TO CONTINUE THEIR VOCATIONAL TRAINING ON A FULL-TIME BASIS. THIS VOCATIONAL TRAINING OR RETRAINING FOR ACTUAL OR ANTICIPATED OPPORTUNITIES FOR GAINFUL EMPLOYMENT IS TO BE SUITED TO THE NEEDS, INTERESTS, AND ABILITIES OF THE TRAINEES. MAJOR CATEGORIES OF PROVISIONS ARE (1) AUTHORIZATION OF APPROPRIATIONS, (2) ALLOTMENTS TO STATES, (3) USES OF FEDERAL FUNDS, (4) STATE PLANS, (5) PAYMENTS TO STATES, (6) LABOR STANDARDS, (7) DEFINITIONS, (8) ADVISORY COMMITTEE ON VOCATIONAL EDUCATION, (9) AMENDMENTS TO GEORGE-BARDEN AND SMITH-HUGHES ACTS, (10) EXTENSION OF PRACTICAL NURSE TRAINING AND AREA VOCATIONAL EDUCATION PROGRAMS, (11) WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS, (12) RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS, AND (13) FEDERAL CONTROL. AMENDMENTS TO SECTIONS OF TITLE I, II, III, IV, V, VI, VII, AND X OF THE NATIONAL DEFENSE EDUCATION ACT ARE INCLUDED IN THE DOCUMENT. (WB)

ED018611

Public Law 88-210
88th Congress, H. R. 4955
December 18, 1963

An Act

77 STAT. 403.

To strengthen and improve the quality of vocational education and to expand the vocational education opportunities in the Nation, to extend for three years the National Defense Education Act of 1958 and Public Laws 815 and 874, Eighty-first Congress (federally affected areas), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PART A—VOCATIONAL EDUCATION

Vocational Education Act of 1963.

DECLARATION OF PURPOSE

SECTION 1. It is the purpose of this part to authorize Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, and those with special educational handicaps—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1964, $60,000,000, for the fiscal year ending June 30, 1965, $118,500,000, for the fiscal year ending June 30, 1966, $177,500,000, and for the fiscal year ending June 30, 1967, and each fiscal year thereafter, $225,000,000, for the purpose of making grants to States as provided in this part.

ALLOTMENTS TO STATES

SEC. 3. (a) Ninety per centum of the sums appropriated pursuant to section 2 shall be allotted among the States on the basis of the number of persons in the various age groups needing vocational education and the per capita income in the respective States as follows: The Commissioner shall allot to each State for each fiscal year—

(1) An amount which bears the same ratio to 50 per centum of the sums so appropriated for such year, as the product of the population aged fifteen to nineteen, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(2) An amount which bears the same ratio to 20 per centum of the sums so appropriated for such year, as the product of the population aged twenty to twenty-four, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(3) An amount which bears the same ratio to 15 per centum of the sums so appropriated for such year, as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION
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(4) an amount which bears the same ratio to 5 per centum of the sums so appropriated for such year, as the sum of the amounts allotted to the State under paragraphs (1), (2), and (3) for such year bears to the sum of the amounts allotted to all the States under paragraphs (1), (2), and (3) for such year.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which is less than $10,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under such subsection, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under section 5 shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under such subsection for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use under the approved plan of such State for such year and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection during such year shall be deemed part of its allotment under subsection (a) for such year.

(d) (1) The "allotment ratio" for any State shall be 1.00 less the product of (A) .50 and (B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, and the Virgin Islands), except that (i) the allotment ratio shall in no case be less than .40 or more than .60, and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be .60.

(2) The allotment ratios shall be promulgated by the Commissioner for each fiscal year, between July 1 and September 30 of the preceding fiscal year, except that for the fiscal year ending June 30, 1964, such allotment ratios shall be promulgated as soon as possible after the enactment of this part. Allotment ratios shall be computed on the basis of the average of the per capita incomes for a State and for all the States (exclusive of Puerto Rico, Guam, American Samoa, and the Virgin Islands) for the three most recent consecutive fiscal years for which satisfactory data is available from the Department of Commerce.

(3) The term "per capita income" for a State or for all the States (exclusive of Puerto Rico, Guam, American Samoa, and the Virgin Islands) for any fiscal year, means the total personal income for such State, and for all such States, respectively, in the calendar year ending in such fiscal year, divided by the population of such State, and of all such States, respectively, in such fiscal year.

(4) The total population and the population of particular age groups of a State or of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce.

USES OF FEDERAL FUNDS

SEC. 4. (a) Except as otherwise provided in subsection (b), a State's allotment under section 3 may be used, in accordance with its approved State plan, for any or all of the following purposes:

(1) Vocational education for persons attending high school;

(2) Vocational education for persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market;

(3) Vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962 (Public Law 87-415), the Area Redevelopment Act (Public Law 87-27), or the Trade Expansion Act of 1962 (Public Law 87-794)) who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment;

(4) Vocational education for persons who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education program;

(5) Construction of area vocational education school facilities;

(6) Ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstration and experimental programs, development of instructional materials, and State administration and leadership, including periodic evaluation of State and local vocational education programs and services in light of information regarding current and projected manpower needs and job opportunities.

76 Stat. 23.
42 USC 2571 note.
75 Stat. 47.
42 USC 2501 note.
76 Stat. 872.
19 USC 1801 note.

(b) At least 33⅓ per centum of each State's allotment for any fiscal year ending prior to July 1, 1968, and at least 25 per centum of each State's allotment for any subsequent fiscal year shall be used only for the purposes set forth in paragraph (2) or (5), or both, of subsection (a), and at least 3 per centum of each State's allotment shall be used only for the purposes set forth in paragraph (6) of subsection (a), except that the Commissioner may, upon request of a State, permit such State to use a smaller percentage of its allotment for any year for the purposes specified above if he determines that such smaller percentage will adequately meet such purposes in such State.

(c) Ten per centum of the sums appropriated pursuant to section 2 for each fiscal year shall be used by the Commissioner to make grants to colleges and universities, and other public or nonprofit private agencies and institutions, to State boards, and with the approval of the appropriate State board, to local educational agencies, to pay part of the cost of research and training programs and of experimental, developmental, or pilot programs developed by such institutions, boards, or agencies, and designed to meet the special vocational education needs of youths, particularly youths in economically depressed communities who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education programs.

STATE PLANS

SEC. 5. (a) A State which desires to receive its allotments of Federal funds under this part shall submit through its State board to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

(1) designates the State board as the sole agency for administration of the State plan, or for supervision of the administration thereof by local educational agencies; and, if such State board

does not include as members persons familiar with the vocational education needs of management and labor in the State, and a person or persons representative of junior colleges, technical institutes, or other institutions of higher education which provide programs of technical or vocational training meeting the definition of vocational education in section 8(1) of this Act, provides for the designation or creation of a State advisory council which shall include such persons, to consult with the State board in carrying out the State plan;

(2) sets forth the policies and procedures to be followed by the State in allocating each such allotment among the various uses set forth in paragraphs (1), (2), (3), (4), (5), and (6) of section 4(a), and in allocating Federal funds to local educational agencies in the State, which policies and procedures insure that due consideration will be given to the results of periodic evaluations of State and local vocational education programs and services in light of information regarding current and projected manpower needs and job opportunities, and to the relative vocational education needs of all groups in all communities in the State, and that Federal funds made available under this part will be so used as to supplement, and, to the extent practical, increase the amounts of State or local funds that would in the absence of such Federal funds be made available for the uses set forth in section 4(a) so that all persons in all communities of the State will as soon as possible have ready access to vocational training suited to their needs, interests, and ability to benefit therefrom, and in no case supplant such State or local funds;

(3) provides minimum qualifications for teachers, teacher-trainers, supervisors, directors, and others having responsibilities under the State plan;

(4) provides for entering into cooperative arrangements with the system of public employment offices in the State, approved by the State board and by the State head of such system, looking toward such offices making available to the State board and local educational agencies occupational information regarding reasonable prospects of employment in the community and elsewhere, and toward consideration of such information by such board and agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained; and looking toward guidance and counseling personnel of the State board and local educational agencies making available to public employment offices information regarding the occupational qualifications of persons leaving or completing vocational education courses or schools, and toward consideration of such information by such offices in the occupational guidance and placement of such persons;

(5) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this part;

(6) provides assurance that the requirements of section 7 will be complied with on all construction projects in the State assisted under this part; and

(7) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner shall approve a State plan which fulfills the conditions specified in subsection (a), and shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State board designated pursuant to paragraph (1) of such subsection.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board administering a State plan approved under subsection (b), finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State board that no further payments will be made to the State under this part (or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this part (or shall limit payments to programs under or portions of the State plan not affected by such failure).

(d) A State board which is dissatisfied with a final action of the Commissioner under subsection (b) or (c) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

72 Stat. 941.

62 Stat. 928.

PAYMENTS TO STATES

SEC. 6. (a) Any amount paid to a State from its allotment under section 3 for the fiscal year ending June 30, 1964, shall be paid on condition that there shall be expended for such year, in accordance with the State plan approved under section 5 or the State plan approved under the Vocational Education Act of 1946 and supplementary vocational education Acts, or both, an amount in State or local funds, or both, which at least equals the amount expended for vocational education during the fiscal year ending June 30, 1963, under the State plan approved under the Vocational Education Act of 1946 and supplementary vocational education Acts.

60 Stat. 775.
20 USC 151 note.
Post, p. 409.

(b) Subject to the limitations in section 4(b), the portion of a State's allotment for the fiscal year ending June 30, 1965, and for each succeeding year, allocated under the approved State plan for each of the purposes set forth in paragraphs (1), (2), (3), (4), and (6) of section 4(a) shall be available for paying one-half of the State's expenditures under such plan for such year for each such purpose.

(c) The portion of a State's allotment for any fiscal year allocated under the approved State plan for the purpose set forth in paragraph (5) of section 4(a) shall be available for paying not to exceed one-half of the cost of construction of each area vocational education school facility project.

(d) Payments of Federal funds allotted to a State under section 3 to States which have State plans approved under section 5 (as adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner in advance on the basis of such estimates, in such installments, and at such times, as may be reasonably required for expenditures by the States of the funds so allotted.

LABOR STANDARDS

SEC. 7. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this part shall be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as
49 Stat. 1011. amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14
62 Stat. 1267. of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of
63 Stat. 108. June 13, 1934, as amended (40 U.S.C. 276c).

DEFINITIONS

SEC. 8. For the purposes of this part—

(1) The term "vocational education" means vocational or technical training or retraining which is given in schools or classes (including field or laboratory work incidental thereto) under public supervision and control or under contract with a State board or local educational agency, and is conducted as part of a program designed to fit individuals for gainful employment as semiskilled or skilled workers or technicians in recognized occupations (including any program designed to fit individuals for gainful employment in business and office occupations, and any program designed to fit individuals for gainful employment which may be assisted by Federal funds under the Vocational
60 Stat. 775. Education Act of 1946 and supplementary vocational education Acts,
20 USC 151 note. but excluding any program to fit individuals for employment in occupations which the Commissioner determines, and specifies in regulations, to be generally considered professional or as requiring a baccalaureate or higher degree). Such term includes vocational guidance and counseling in connection with such training, instruction related to the occupation for which the student is being trained or necessary for him to benefit from such training, the training of persons engaged as, or preparing to become vocational education teachers, teacher-trainers, supervisors, and directors for such training, travel of students and vocational education personnel, and the acquisition and maintenance and repair of instructional supplies, teaching aids and equipment, but does not include the construction or initial equipment of buildings or the acquisition or rental of land.

(2) The term "area vocational education school" means—

(A) a specialized high school used exclusively or principally for the provision of vocational education to persons who are available for full-time study in preparation for entering the labor market, or

(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for full-time study in preparation for entering the labor market, or

(C) a technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market, or

(D) the department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State Board, leading to immediate employment but not leading to a baccalaureate degree,

if it is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in (C) or (D), it admits as regular students both persons who have completed high school and persons who have left high school.

(3) The term "school facilities" means classrooms and related facilities (including initial equipment) and interests in land on which such facilities are constructed. Such term shall not include any facility intended primarily for events for which admission is to be charged to the general public.

(4) The term "construction" includes construction of new buildings and expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

(5) The term "Commissioner" means the Commissioner of Education.

(6) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(7) The term "State board" means the State board designated or created pursuant to section 5 of the Smith-Hughes Act (that is the Act approved February 23, 1917 (39 Stat. 929, ch. 114; 20 U.S.C. 11–15, 16–28)) to secure to the State the benefits of that Act.

(8) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

(9) The term "high school" does not include any grade beyond grade 12.

(10) The term "Vocational Education Act of 1946" means titles I, II, and III of the Act of June 8, 1936, as amended (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg). 60 Stat. 775;

(11) The term "supplementary vocational education Acts" means section 1 of the Act of March 3, 1931 (20 U.S.C. 30) (relating to vocational education in Puerto Rico), the Act of March 18, 1950 (20 U.S.C. 31–33) (relating to vocational education in the Virgin Islands), and section 9 of the Act of August 1, 1956 (20 U.S.C. 34) (relating to vocational education in Guam). 70 Stat. 925; 72 Stat. 1597. 46 Stat. 1489. 64 Stat. 27. 70 Stat. 909.

77 STAT. 410.

ADVISORY COMMITTEE ON VOCATIONAL EDUCATION

SEC. 9. (a) There is hereby established in the Office of Education an Advisory Committee on Vocational Education (hereinafter referred to as the "Advisory Committee") consisting of the Commissioner, who shall be chairman, one representative each of the Departments of Commerce, Agriculture, and Labor, and twelve members appointed, for staggered terms and without regard to the civil service laws, by the Commissioner with the approval of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"). Such twelve members shall, to the extent possible, include persons familiar with the vocational education needs of management and labor (in equal numbers), persons familiar with the administration of State and local vocational education programs, other persons with special knowledge, experience, or qualification with respect to vocational education, and persons representative of the general public, and not more than six of such members shall be professional educators. The Advisory Committee shall meet at the call of the chairman but not less often than twice a year.

(b) The Advisory Committee shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this part, the Vocational Education Act of 1946, and supplementary vocational education Acts, including policies and procedures governing the approval of State plans under section 5 and the approval of projects under section 4(c) and section 14.

60 Stat. 775. 20 USC 151 note. Ante, p. 409.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $75 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

60 Stat. 808; 75 Stat. 339, 340.

AMENDMENTS TO GEORGE-BARDEN AND SMITH-HUGHES VOCATIONAL EDUCATION ACTS

SEC. 10. Notwithstanding anything to the contrary in title I, II, or III of the Vocational Education Act of 1946 (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg), or in the Smith-Hughes Act (that is, the Act approved February 23, 1917, as amended (39 Stat. 929, ch. 114; 20 U.S.C. 11–15, 16–28)), or in supplementary vocational education Acts—

60 Stat. 775; 70 Stat. 925; 72 Stat. 1597.

(a) any portion of any amount allotted (or apportioned) to any State for any purpose under such titles, Act, or Acts for the fiscal year ending June 30, 1964, or for any fiscal year thereafter, may be transferred to and combined with one or more of the other allotments (or apportionments) of such State for such fiscal year under such titles, Act, or Acts, or under section 3 of this part and used for the purposes for which, and subject to the conditions under which, such other allotment (or apportionment) may be used, if the State board requests, in accordance with regulations of the Commissioner, that such portion be transferred and shows to the satisfaction of the Commissioner that transfer of such portion in the manner requested will promote the purpose of this part;

(b) any amounts allotted (or apportioned) under such titles, Act, or Acts for agriculture may be used for vocational education in any occupation involving knowledge and skills in agricul-

tural subjects, whether or not such occupation involves work of the farm or of the farm home, and such education may be provided without directed or supervised practice on a farm;

(c)(1) any amounts allotted (or apportioned) under such titles, Act, or Acts for home economics may be used for vocational education to fit individuals for gainful employment in any occupation involving knowledge and skills in home economics subjects;

(2) at least 10 per centum of any amount so allotted (or apportioned) to a State for each fiscal year beginning after June 30, 1965, may be used only for vocational education to fit persons for gainful employment in occupations involving knowledge and skills in home economics subjects, or transferred to another allotment under subsection (a), or both.

(d) any amounts allotted (or apportioned) under such titles, Act, or Acts for distributive occupations may be used for vocational education for any person over fourteen years of age who has entered upon or is preparing to enter upon such an occupation, and such education need not be provided in part-time or evening schools;

(e) any amounts allotted (or apportioned) under such titles, Act, or Acts for trade and industrial occupations may be used for preemployment schools and classes organized to fit for gainful employment in such occupations persons over fourteen years of age who are in school, and operated for less than nine months per year and less than thirty hours per week and without the requirement that a minimum of 50 per centum of the time be given to practical work on a useful or productive basis, if such preemployment schools and classes are for single-skilled or semi-skilled occupations which do not require training or work of such duration or nature; and less than one-third of any amounts so allotted (or apportioned) need be applied to part-time schools or classes for workers who have entered upon employment.

EXTENSION OF PRACTICAL NURSE TRAINING AND AREA VOCATIONAL EDUCATION PROGRAMS

SEC. 11. (a)(1) Section 201 of the Vocational Education Act of 1946 (20 U.S.C. 15aa) is amended by striking out "of the next eight fiscal years" and inserting in lieu thereof "succeeding fiscal year" 75 Stat. 44.

(2) Subsection (c) of section 202 of such Act is amended by striking out "of the next seven fiscal years" and inserting in lieu thereof "succeeding fiscal year". 70 Stat. 926; 75 Stat. 44.

(b) Section 301 of such Act (20 U.S.C. 15aaa) is amended by striking out "of the five succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal year". 72 Stat. 1598; 75 Stat. 760.

PERIODIC REVIEW OF VOCATIONAL EDUCATION PROGRAMS AND LAWS

SEC. 12. (a) The Secretary shall, during 1966, appoint an Advisory Council on Vocational Education for the purpose of reviewing the administration of the vocational education programs for which funds are appropriated pursuant to this Act and other vocational education Acts and making recommendations for improvement of such administration, and reviewing the status of and making recommendations with respect to such vocational education programs and the Acts under which funds are so appropriated.

(b) The Council shall be appointed by the Secretary without regard to the civil service laws and shall consist of twelve persons who shall, to the extent possible, include persons familiar with the vocational

77 STAT. 412.

education needs of management and labor (in equal numbers), persons familiar with the administration of State and local vocational education programs, other persons with special knowledge, experience, or qualification with respect to vocational education, and persons representative of the general public.

(c) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out such functions.

(d) The Council shall make a report of its findings and recommendations (including recommendations for changes in the provisions of this part and other vocational education Acts) to the Secretary, such report to be submitted not later than January 1, 1968, after which date such Council shall cease to exist. The Secretary shall transmit such report to the President and the Congress.

Report to President and Congress.

(e) The Secretary shall also from time to time thereafter (but at intervals of not more than five years) appoint an Advisory Council on Vocational Education, with the same functions and constituted in the same manner as prescribed for the Advisory Council in the preceding subsections of this section. Each Council so appointed shall report its findings and recommendations, as prescribed in subsection (d), not later than July 1 of the second year after the year in which it is appointed, after which date such Council shall cease to exist.

(f) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $75 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in Government service employed intermittently.

60 Stat. 808; 75 Stat. 339, 340.

WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS

SEC. 13. (a)(1) From the sums appropriated pursuant to section 15 and determined to be for the purposes of this section for each fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to the sums so determined for such year as the population aged fifteen to twenty, inclusive, of the State, in the preceding fiscal year bears to the population aged fifteen to twenty, inclusive, of all the States in such preceding year.

(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under subsection (b) shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under paragraph (1) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

(b) To be eligible to participate in this section, a State must have in effect a plan approved under section 5 and must submit through its State board to the Commissioner a supplement to such plan (hereinafter referred to as a "supplementary plan"), in such detail as the Commissioner determines necessary, which—

(1) designates the State board as the sole agency for administration of the supplementary plan, or for supervision of the administration thereof by local educational agencies;

(2) sets forth the policies and procedures to be followed by the State in approving work-study programs, under which policies and procedures funds paid to the State from its allotment under subsection (a) will be expended solely for the payment of compensation of students employed pursuant to work-study programs which meet the requirements of subsection (c), except that not to exceed 1 per centum of any such allotment, or $10,000, whichever is the greater, may be used to pay the cost of developing the State's supplementary plan and the cost of administering such supplementary plan after its approval under this section;

(3) sets forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, which principles shall give preference to applications submitted by local educational agencies serving communities having substantial numbers of youths who have dropped out of school or who are unemployed, and provides for undertaking such programs, insofar as financial resources available therefor make possible, in the order determined by the application of such principles;

(4) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this section;

(5) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(c) For the purposes of this section, a work-study program shall—

(1) be administered by the local educational agency and made reasonably available (to the extent of available funds) to all youths in the area served by such agency who are able to meet the requirements of paragraph (2);

(2) provide that employment under such work-study program shall be furnished only to a student who (A) has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the State board and the local educational agency for vocational education programs assisted under the preceding sections of this part, or in the case of a student already enrolled in such a program, is in good standing and in full-time attendance, (B) is in need of the earnings from such employment to commence or continue his vocational education program, and (C) is at least fifteen years of age and less than twenty-one years of age at the commencement of his employment, and is capable, in the opinion of the appropriate school authorities, of maintaining good standing in his vocational education program while employed under the work-study program;

(3) provide that no student shall be employed under such work-study program for more than fifteen hours in any week in which classes in which he is enrolled are in session, or for compensation which exceeds $45 in any month or $350 in any academic year or its equivalent, unless the student is attending a school which is not within reasonable commuting distance from his home, in which case his compensation may not exceed $60 in any month or $500 in any academic year or its equivalent;

(4) provide that employment under such work-study program shall be for the local educational agency or for some other public agency or institution;

(5) provide that, in each fiscal year during which such program remains in effect, such agency shall expend (from sources other than payments from Federal funds under this section) for the employment of its students (whether or not in employment eligible for assistance under this section) an amount that is not less than its average annual expenditure for work-study programs of a similar character during the three fiscal years preceding the fiscal year in which its work-study program under this section is approved.

(d) Subsections (b), (c), and (d) of section 5 (pertaining to the approval of State plans, the withholding of Federal payments in case of nonconformity after approval, and judicial review of the Commissioner's final actions in disapproving a State plan or withholding payments) shall be applicable to the Commissioner's actions with respect to supplementary plans under this section.

(e) From a State's allotment under this section for the fiscal year ending June 30, 1965, and for the fiscal year ending June 30, 1966, the Commissioner shall pay to such State an amount equal to the amount expended for compensation of students employed pursuant to work-study programs under the State's supplementary plan approved under this section, plus an amount, not to exceed 1 per centum of such allotment, or $10,000, whichever is the greater, expended for the development of the State's supplementary plan and for the administration of such plan after its approval by the Commissioner. From a State's allotment under this section for the fiscal year ending June 30, 1967, and for the next succeeding fiscal year, such payment shall equal 75 per centum of the amount so expended. No State shall receive payments under this section for any fiscal year in excess of its allotment under subsection (a) for such fiscal year.

(f) Such payments (adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner in advance on the basis of such estimates, in such installments, and at such times, as may be reasonably required for expenditures by the States of the funds allotted under subsection (a).

(g) Students employed in work-study programs under this section shall not by reason of such employment be deemed employees of the United States, or their service Federal service, for any purpose.

RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS

SEC. 14. For the purpose of demonstrating the feasibility and desirability of residential vocational education schools for certain youths of high school age, the Commissioner is authorized to make grants, out of sums appropriated pursuant to section 15 to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations, or institutions for the construction, equipment, and operation of residential schools to provide vocational education (including room, board, and other necessities) for youths, at least fifteen years of age and less than twenty-one

years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making such grants, the Commissioner shall give special consideration to the needs of large urban areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain, as nearly as practicable in the light of the purposes of this section, an equitable geographical distribution of such schools.

AUTHORIZATION FOR SECTIONS 13 AND 14

SEC. 15. There is authorized to be appropriated for the purpose of carrying out the provisions of sections 13 and 14, $30,000,000 for the fiscal year ending June 30, 1965, $50,000,000 for the fiscal year ending June 30, 1966, and $35,000,000 for the fiscal year ending June 30, 1967, and the succeeding fiscal year. The Commissioner shall determine the portion of such sums for each such year which is to be used for the purposes of each such section.

FEDERAL CONTROL

SEC. 16. Nothing contained in this part shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

SHORT TITLE

SEC. 17. This part may be cited as the "Vocational Education Act of 1963". Citation of part.

PART B—EXTENSION OF NATIONAL DEFENSE EDUCATION ACT OF 1958

AMENDMENTS TO TITLE I—GENERAL PROVISIONS

SEC. 21. (a) Section 103(a) of the National Defense Education Act of 1958 is amended by inserting "American Samoa," after "Guam," each time it appears therein. 72 Stat. 1582. 20 USC 403.

(b) Subsections (g) and (h) of such section 103 are amended by inserting "or, if such school is not in any State, as determined by the Commissioner" after the words "as determined under State law" wherever such words appear in such subsections.

(c) Subsection (i) of such section 103 is amended by striking out "does not include" and inserting in lieu thereof "includes" and by inserting before the period ", except that no such school or institution shall be eligible to receive any grant, loan, or other payment under this Act".

(d) Subsection (k) of such section 103 is amended by inserting before the period at the end thereof ", or any other public institution or agency having administrative control and direction of a public elementary or secondary school".

AMENDMENTS TO TITLE II—LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 22. (a) The first sentence of section 201 of the National Defense Education Act of 1958 is amended by striking out "$90,000,000 each for the fiscal year ending June 30, 1962, and for the two succeeding fiscal years, and such sums for the fiscal year ending June 30, 1965, and each of the three succeeding fiscal years as may be necessary to 72 Stat. 1583; 75 Stat. 759. 20 USC 421.

77 STAT. 416.

enable students who have received a loan for any school year ending prior to July 1, 1964, to continue or complete their education" and inserting in lieu thereof "$90,000,000 each for the fiscal year ending June 30, 1962, and the next fiscal year, $125,000,000 for the fiscal year ending June 30, 1964, and $135,000,000 for the fiscal year ending June 30, 1965, and such sums for the fiscal year ending June 30, 1966, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1965, to continue or complete their education".

72 Stat. 1583; 75 Stat. 759.

(b) Section 202 of such Act is amended by striking out "1964" wherever it appears therein and inserting in lieu thereof "1965".

20 USC 422.

(c) Effective with respect to fiscal years beginning after June 30, 1963, section 203(b) of such Act is amended by striking out "$250,000" and inserting in lieu thereof "$800,000".

(d)(1) Subparagraph (2)(A)(i) of subsection (b) of section 205 of such Act is amended by inserting "or at a comparable institution outside the States approved for this purpose by the Commissioner" after "at an institution of higher education".

(2) Subparagraph (3) of such subsection is amended by inserting "or in an elementary or secondary school overseas of the Armed Forces of the United States" after "State".

(3) The amendment made by paragraph (1) of this subsection shall apply to any loan (under an agreement under title II of the

20 USC 421-429.

National Defense Education Act of 1958) outstanding on the date of enactment of this Act only with the consent of the institution which made the loan. The amendment made by paragraph (2) of this subsection shall apply with respect to service as a teacher (described in such section 205(b)(3) of the National Defense Education Act of 1958) performed during academic years beginning after the enactment of this Act, whether the loan was made before or after such enactment.

(e) Section 206 of such Act is amended by striking out "1968" wherever it appears therein and inserting in lieu thereof "1969".

AMENDMENTS TO TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION

20 USC 441.

SEC. 23. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "five succeeding fiscal years" wherever it appears therein and inserting in lieu thereof "six succeeding fiscal years".

(b)(1) The third sentence of subsection (a)(2) of section 302 of such Act is amended by striking out "the four fiscal years in the period beginning July 1, 1960, and ending June 30, 1964" and inserting in lieu thereof: "the five fiscal years in the period beginning July 1, 1960, and ending June 30, 1965".

(2) Effective with respect to allotments under section 302 or section 305 of such Act for fiscal years beginning after June 30, 1963, such section 302 is further amended by striking out subsection (a)(4) and by adding at the end thereof the following new subsection:

"(c) The amount of any State's allotment under subsection (a) or (b) of this section, or section 305(a), for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsections (a) and (b) of this section, and section 305(a), respectively, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State

needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year from funds appropriated pursuant to section 301 shall be deemed part of its allotment under subsection (a) or (b) of this section, or section 305(a), as the case may be, for such year."

(c) Section 303(a)(1)(A) of such Act is amended (1) by inserting "and published" after "printed", and (2) by inserting "of test grading equipment for such schools and specialized equipment for audiovisual libraries serving such schools, and" after "or both, and". 72 Stat. 1589. 20 USC 443.

(d) The second sentence of subsection (b) of section 304 of such Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years". 75 Stat. 760. 20 USC 444.

AMENDMENTS TO TITLE IV—NATIONAL DEFENSE FELLOWSHIPS

SEC. 24. (a) Section 402 of the National Defense Education Act of 1958 is amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years". 72 Stat. 1591; 75 Stat. 760. 20 USC 462.

(b) Such section is further amended by inserting "(a)" after "SEC. 402.", and by adding at the end thereof the following new subsection:

"(b) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this section but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of study, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine."

(c) Subsection (b) of section 404 of the National Defense Education Act of 1958 is amended to read as follows:

"(b) In addition to the amounts paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study $2,500 per academic year, less any amount charged such person for tuition."

AMENDMENTS TO TITLE V—GUIDANCE, COUNSELING, AND TESTING

SEC. 25. (a) Section 501 of the National Defense Education Act of 1958 is amended by striking out "$15,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years" and inserting in lieu thereof "$15,000,000 for the fiscal year ending June 30, 1963, and $17,500,000 each for the fiscal year ending June 30, 1964, and the succeeding fiscal year". 20 USC 481.

(b)(1) Effective with respect to allotments under section 502 of such Act for fiscal years beginning after June 30, 1963, the third sentence of such section is amended by striking out "$20,000" wherever it appears therein and inserting in lieu thereof "$50,000".

(2) Effective with respect to allotments under such section 502 for fiscal years beginning after June 30, 1963, such section 502 is further amended by inserting "(a)" after "SEC. 502." and by adding at the end thereof the following new subsection:

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State plan (if any) approved under this title shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under

such subsection for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year for carrying out the State plan; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year from funds appropriated pursuant to section 501 shall be deemed part of its allotment under subsection (a) for such year."

72 Stat. 1592.
20 USC 483.

(c) (1) Subparagraph (1) of subsection (a) of section 503 of such Act is amended to read as follows:

"(1) a program for testing students who are not below grade 7 in the public elementary or secondary schools of such State, and if authorized by law in corresponding grades in other elementary or secondary schools in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and".

(2) Subparagraph (2) of subsection (a) of such section 503 is amended by striking out "public secondary schools" and inserting in lieu thereof "public elementary or secondary schools", and by inserting "who are not below grade 7" after "students" in clause (A) thereof.

75 Stat. 760.
20 USC 484.

(d) (1) The second sentence of subsection (a) of section 504 of such Act is amended by striking out "four succeeding fiscal years", and inserting in lieu thereof "five succeeding fiscal years", and by inserting before the semicolon ", including amounts expended under the State plan for State supervisory or related services in public elementary or secondary schools in the fields of guidance, counseling, and testing, and for administration of the State plan".

(2) The first sentence of subsection (b) of such section 504 is amended by striking out "the cost of testing students in any one or more secondary schools", and inserting in lieu thereof "the cost of testing students, who are not below grade 7, in any one or more elementary or secondary schools", and by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years".

(e) (1) Section 511 of such Act is amended to strike out "five succeeding fiscal years" and to insert in lieu thereof "six succeeding fiscal years".

(2) Such section is further amended to insert "who are not below grade 7 in elementary or" after "students", and to insert "elementary or" after "counseling or guidance in a public".

AMENDMENTS TO TITLE VI—LANGUAGE DEVELOPMENT

72 Stat. 1593;
75 Stat. 760.
20 USC 511.
20 USC 521.

SEC. 26. (a) Section 601 of the National Defense Education Act of 1958 is amended by striking out "1964" wherever it appears therein and inserting in lieu thereof "1965".

(b) Section 611 of such Act is amended (1) by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years", and (2) by adding at the end thereof a new sentence as follows: "As used in this section 'modern foreign language' includes English when taught to persons for whom English is a second language.".

AMENDMENTS TO TITLE VII—RESEARCH AND EXPERIMENTATION IN MORE EFFECTIVE UTILIZATION OF TELEVISION, RADIO, MOTION PICTURES, AND RELATED MEDIA FOR EDUCATIONAL PURPOSES

SEC. 27. (a) Section 701 of the National Defense Education Act of 1958 is amended by inserting "printed and published materials," after "motion pictures," and after "auditory aids,". 72 Stat. 1595. 20 USC 541.

(b) Section 731 of the National Defense Education Act of 1958 is amended by inserting "printed and published materials," after "motion pictures," wherever appearing therein. 20 USC 551.

(c) Section 761 of the National Defense Education Act of 1958 is amended by inserting "printed and published materials," after "motion pictures," wherever appearing therein. 20 USC 561.

(d) Section 763 of the National Defense Education Act of 1958 is amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years". 20 USC 563.

AMENDMENTS TO TITLE X—MISCELLANEOUS PROVISIONS

SEC. 28. (a) Section 1008 of the National Defense Education Act of 1958 is amended by inserting "American Samoa," after "Guam,". 20 USC 588.

(b) Section 1009(a) of such Act is amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years". 75 Stat. 761. 20 USC 589.

PART C—FEDERALLY AFFECTED AREAS

AMENDMENTS TO PUBLIC LAW 815

SEC. 31. (a) The first sentence of section 3 of the Act of September 23, 1950, as amended (20 U.S.C. 631–645), is amended by striking out "1963" and inserting in lieu thereof "1965". 72 Stat. 548; 75 Stat. 759.

(b) Subsection (b) of section 14 of such Act is amended by striking out "1963" each time it appears therein and inserting in lieu thereof "1965".

(c) Paragraph (15) of section 15 of such Act is amended by striking out "1960–1961" and inserting in lieu thereof "1962–1963".

AMENDMENTS TO PUBLIC LAW 874

SEC. 32. Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950, as amended (20 U.S.C. 236–244), are each amended by striking out "1963" each place where it appears and inserting in lieu thereof "1965". 64 Stat. 1100; 75 Stat. 759.

EFFECTIVE DATES

SEC. 33. The amendments made by sections 31 and 32 shall be effective July 1, 1963.

Approved December 18, 1963.

(over)

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 393 (Comm. on Education and Labor), No. 1025 (Comm. on Conference).
SENATE REPORT No. 553 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 109 (1963):
Aug. 6: Considered and passed House.
Oct. 3, 7: Considered in Senate.
Oct. 8: Considered and passed Senate, amended.
Oct. 29: House agreed to conference.
Dec. 12: House agreed to conference report.
Dec. 13: Senate agreed to conference report.

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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